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5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF DELAWARE

8
9 C.A. NO. 04-1300-SLR

10 ETHYPHARM S.A. FRANCE and)
11 ETHYPHARM S.A. SPAIN,)
12 Plaintiffs,)
13 vs.)
14 BENTLEY PHARMACEUTICALS,)
15 INC.,)
16 Defendant. Confidential
17 For Attorney's Eyes Only

18 DEPOSITION OF CLEMENTE GONZALEZ
19 AZPEITIA, taken on behalf of the Plaintiffs,
20 pursuant to the Delaware Rules of Civil
21 Procedure before Tina M. Sarcia, Registered
22 Professional Reporter and Notary Public
23 within and for the Commonwealth of
24 Massachusetts, at the law offices of Edwards,
Angell, Palmer & Dodge, 111 Huntington
Avenue, Boston, Massachusetts, on Tuesday,
June 27, 2006, commencing at 9:00 a.m.

Confidential - Attorneys' Eyes Only

<p style="text-align: right;">Page 2</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 APPEARANCES</p> <p>3 Dwight P. Bostwick, Esquire</p> <p>4 Jonathan D. Fine, Esquire</p> <p>5 BAACH, ROBINSON & LEWIS</p> <p>6 1201 F Street, NW, suite 500</p> <p>7 Washington, DC 20004</p> <p>8 202.659.6744</p> <p>9 dwight.bostwick@baachrobinson.com</p> <p>10 For the Plaintiffs</p> <p>11</p> <p>12 Joseph P. Mingolla, Esquire</p> <p>13 Veronica C. Abreu, Esquire</p> <p>14 Craig Stewart, Esquire</p> <p>15 EDWARDS, ANGELL, PALMER & DODGE, LLP</p> <p>16 111 Huntington Avenue</p> <p>17 Boston, Massachusetts 02199</p> <p>18 617.239.0577</p> <p>19 jmingolla@eapdlaw.com</p> <p>20 For the Defendant</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 4</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 INDEX</p> <p>3 DEPONENT</p> <p>4 CLEMENTE GONZALEZ AZPEITIA PAGE</p> <p>5 Examination by Mr. Bostwick 7</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9</p> <p>10 NO. DESCRIPTION PAGE</p> <p>11 1 Letter 59</p> <p>12 2 Document 63</p> <p>13 3 Letter of intent 65</p> <p>14 5 Document 71</p> <p>15 6 Telefax 81</p> <p>16 7 Confidentiality agreement 91</p> <p>17 8 Document, EP 2107 98</p> <p>18 9 Facsimile, EP 2106 103</p> <p>19 10 Fax, Bentl 8356 109</p> <p>20 11 Document, EP 2767 117</p> <p>21 11 Letter, EP 2767 118</p> <p>22 12 Document, Bel 6304 118</p> <p>23 13 Letter, EP 2771 124</p> <p>24 14 Document, 9174 127</p>
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2 (Pages 2 to 5)

<p style="text-align: right;">Page 6</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 THE VIDEOGRAPHER: This is tape</p> <p>3 number one of Clemente Gonzalez Azpeitia</p> <p>4 taken by plaintiffs in the matter of</p> <p>5 Ethypharm S.A. France and Ethypharm S.A.</p> <p>6 Spain, plaintiffs, versus Bentley</p> <p>7 Pharmaceuticals, Inc., defendant, in the</p> <p>8 United States District Court for the District</p> <p>9 of Delaware.</p> <p>10 This deposition is being held on</p> <p>11 June 27, 2006 at 9:36 a.m. My name is</p> <p>12 Kristin Zarnetske. I'm a legal videographer</p> <p>13 representing Esquire Deposition Services.</p> <p>14 The court reporter also in association with</p> <p>15 Esquire is Tina Sarcia.</p> <p>16 This deposition is being held in the</p> <p>17 law firm of Edwards and Angell at 111</p> <p>18 Huntington Street, Boston, Massachusetts.</p> <p>19 Will counsel present, please,</p> <p>20 introduce themselves for the record.</p> <p>21 MR. BOSTWICK: Dwight Bostwick and</p> <p>22 Jonathan Fine for the plaintiffs.</p> <p>23 MR. MINGOLLA: Joseph Mingolla,</p> <p>24 Veronica Abreu, Craig Stewart for the</p>	<p style="text-align: right;">Page 8</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 that?</p> <p>3 A. I don't understand.</p> <p>4 Q. The defendants, the people that we have sued</p> <p>5 are Bentley Pharmaceuticals, Inc.?</p> <p>6 A. Yes.</p> <p>7 Q. I will refer to Bentley Pharmaceuticals, Inc.</p> <p>8 as Bentley today, okay?</p> <p>9 A. Perfect.</p> <p>10 Q. Let me explain a few things about the</p> <p>11 procedure today. We have a translator here</p> <p>12 to help you with Spanish. Do you understand?</p> <p>13 A. I understand.</p> <p>14 Q. And the deposition is also being videotaped,</p> <p>15 and that's because it may be used at a later</p> <p>16 date. Now, when we take a deposition, we</p> <p>17 also have a court reporter. Do you</p> <p>18 understand?</p> <p>19 In order for the court reporter to</p> <p>20 take down your answer, you must speak</p> <p>21 verbally, so you can't just nod. You have to</p> <p>22 say yes or no.</p> <p>23 A. I understand.</p> <p>24 Q. And I take it that you would like every</p>
<p style="text-align: right;">Page 7</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 defendant, and also in the room are Rafael</p> <p>3 Garcia-Palencia and Rebeca Gregorio from</p> <p>4 IberForo in Spain.</p> <p>5 THE VIDEOGRAPHER: Will the court</p> <p>6 reporter, please, swear in the interpreter</p> <p>7 and the witness.</p> <p>8 (Interpreter sworn)</p> <p>9 CLEMENTE GONZALEZ AZPEITIA, a</p> <p>10 witness called by counsel for the PLAINTIFFS,</p> <p>11 having been satisfactorily identified and</p> <p>12 duly sworn by the Notary Public, was examined</p> <p>13 and testified as follows:</p> <p>14 *****</p> <p>15 EXAMINATION BY MR. BOSTWICK</p> <p>16 Q. Doctor, good morning.</p> <p>17 A. Good morning.</p> <p>18 Q. My name is Dwight Bostwick, and I represent</p> <p>19 the plaintiffs in this action, and the</p> <p>20 plaintiffs are Ethypharm and Ethypharm Spain.</p> <p>21 Do you understand that?</p> <p>22 A. Perfect.</p> <p>23 Q. And the defendant in the case is Bentley</p> <p>24 Pharmaceuticals, Inc. Do you understand</p>	<p style="text-align: right;">Page 9</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 question translated for you today?</p> <p>3 A. Yes, please.</p> <p>4 Q. I will plan to take breaks today during the</p> <p>5 deposition. Do you understand?</p> <p>6 A. Yes.</p> <p>7 Q. But if you need a break, please, feel free to</p> <p>8 say you would like one. Okay?</p> <p>9 A. Yes.</p> <p>10 Q. We can't take a break in between a question</p> <p>11 and an answer.</p> <p>12 A. I understand.</p> <p>13 Q. You also can't discuss your testimony in</p> <p>14 between breaks with the lawyers.</p> <p>15 A. Okay.</p> <p>16 Q. Do you have any questions for me before we</p> <p>17 begin?</p> <p>18 A. No.</p> <p>19 MR. MINGOLLA: Could we go off the</p> <p>20 record for one second.</p> <p>21 THE VIDEOGRAPHER: The time is 9:41</p> <p>22 a.m., and we're off the record.</p> <p>23 (Recess)</p> <p>24 THE VIDEOGRAPHER: The time is 9:42</p>

3 (Pages 6 to 9)

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<p style="text-align: right;">Page 10</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 a.m. We're back on the record.</p> <p>3 Q. Dr. Azpeitia, I would like to clarify one</p> <p>4 point. The people who have brought the case</p> <p>5 in the United States are Ethypharm France and</p> <p>6 Ethypharm Spain. Do you understand that?</p> <p>7 A. You mean both of them?</p> <p>8 Q. Yes.</p> <p>9 A. Yes.</p> <p>10 Q. The people who are defending the case are</p> <p>11 Bentley Pharmaceuticals, Inc. Do you</p> <p>12 understand that?</p> <p>13 A. Yes.</p> <p>14 Q. Could you state your current address and</p> <p>15 telephone number.</p> <p>16 A. I live on the street called 7 Fuentes</p> <p>17 Galapaga of the population of Galapaga. The</p> <p>18 street is 7 Fuentes, number 37. The</p> <p>19 population of Galapaga in the province of</p> <p>20 Madrid. The country is Spain.</p> <p>21 Q. How old are you?</p> <p>22 A. 65 years old.</p> <p>23 Q. I've been referring to you as Dr. Azpeitia;</p> <p>24 is that accurate?</p>	<p style="text-align: right;">Page 12</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. How long did you hold that position?</p> <p>3 A. Approximately two years.</p> <p>4 Q. Until approximately 1995?</p> <p>5 A. Yes.</p> <p>6 Q. What position did you attain in 1995?</p> <p>7 A. General director.</p> <p>8 Q. So you became the general director of</p> <p>9 Laboratorios Belmac in approximately 1995;</p> <p>10 is that correct?</p> <p>11 A. Exactly.</p> <p>12 Q. Do you recall the exact date?</p> <p>13 A. No.</p> <p>14 Q. Do you recall whether it was early in 1995 or</p> <p>15 late in 1995?</p> <p>16 A. Halfway.</p> <p>17 Q. And how long did you hold the position of</p> <p>18 general director at Laboratorios Belmac?</p> <p>19 A. Four years, approximately.</p> <p>20 Q. Until approximately 1999?</p> <p>21 A. Yes.</p> <p>22 Q. And who hired you to be general director of</p> <p>23 Laboratorios Belmac?</p> <p>24 A. Mr. Jim Murphy.</p>
<p style="text-align: right;">Page 11</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. Yes.</p> <p>3 Q. Could you state your full name for the</p> <p>4 record, please.</p> <p>5 A. Clemente Gonzalez Azpeitia.</p> <p>6 Q. I apologize if I have the wrong pronunciation</p> <p>7 but I'll try.</p> <p>8 A. Magnificent.</p> <p>9 Q. I understand you previously worked at a</p> <p>10 company called Laboratorios Belmac?</p> <p>11 A. Yes.</p> <p>12 Q. What years did you work at Laboratorios</p> <p>13 Belmac?</p> <p>14 A. March or April of '93.</p> <p>15 Q. Was the company called Laboratorios Belmac</p> <p>16 when you started?</p> <p>17 A. Yes.</p> <p>18 Q. What was the first job you held in 1993 at</p> <p>19 Laboratorios Belmac?</p> <p>20 A. Commercial director, commercial sales. I</p> <p>21 don't remember exactly how it was, the title,</p> <p>22 I mean; but it was commercial sales.</p> <p>23 Q. Who hired you?</p> <p>24 A. Mr. Perez De Ayala, Mr. Angel Perez De Ayala.</p>	<p style="text-align: right;">Page 13</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. What was Jim Murphy's position?</p> <p>3 A. President.</p> <p>4 Q. President of what?</p> <p>5 A. President of Belmac.</p> <p>6 Q. Now, as I understand it, there is a company</p> <p>7 Bentley Pharmaceuticals in the United States;</p> <p>8 is that correct?</p> <p>9 A. Yes, that's correct.</p> <p>10 Q. And the name of Bentley Pharmaceuticals used</p> <p>11 to be Belmac Corporation; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know when the name changed from Belmac</p> <p>14 Corporation U.S.A. to Bentley</p> <p>15 Pharmaceuticals?</p> <p>16 A. No.</p> <p>17 Q. In 1995 when you became general manager of</p> <p>18 Laboratorios Belmac was the parent company</p> <p>19 called Belmac Corporation or Bentley; do you</p> <p>20 know?</p> <p>21 A. Belmac.</p> <p>22 Q. Belmac Corporation. I'm going to refer to</p> <p>23 the company in the U.S. as either Belmac</p> <p>24 U.S.A. or Bentley. Is that okay?</p>

4 (Pages 10 to 13)

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<p style="text-align: right;">Page 14</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. Can you repeat it, please?</p> <p>3 Q. For purposes of the deposition today, I'm</p> <p>4 going to refer to the United States company,</p> <p>5 the parent company as Belmac U.S.A. or</p> <p>6 Bentley?</p> <p>7 A. I may interpret it the wrong way. It worries</p> <p>8 me to confuse a term. May we simplify?</p> <p>9 Q. Why don't we just refer to the U.S. company</p> <p>10 as Bentley even if it was Belmac Corporation</p> <p>11 for a period of time?</p> <p>12 A. It worries me that in my answers I may get</p> <p>13 confused that I may be referring to Belmac in</p> <p>14 the states or Belmac in Spain. Can we find a</p> <p>15 more common term?</p> <p>16 Q. This problem of confusion exists between</p> <p>17 Laboratorious Belmac in Spain and the Belmac</p> <p>18 Corporation in the U.S., correct?</p> <p>19 A. I don't find the confusion, but in the</p> <p>20 conversation the confusion may arise.</p> <p>21 Q. It's difficult for someone to understand</p> <p>22 whether one is talking about Belmac U.S.A.</p> <p>23 or Belmac Spain if one refers to Belmac,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 16</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. What position did Jim Murphy hold in Bentley</p> <p>3 U.S.A. when you were hired as general</p> <p>4 director?</p> <p>5 MR. MINGOLLA: Objection.</p> <p>6 A. I think he was a president.</p> <p>7 Q. And it was Mr. Murphy that hired you to be</p> <p>8 the general director of Laboratorious Belmac</p> <p>9 in Spain?</p> <p>10 A. Yes.</p> <p>11 Q. Now, you said you worked as a general</p> <p>12 director until approximately 1999, correct?</p> <p>13 A. Uh-huh.</p> <p>14 Q. What job did you hold after 1999?</p> <p>15 A. Director of strategic planning.</p> <p>16 Q. And who appointed you to that position?</p> <p>17 A. Mr. Murphy.</p> <p>18 Q. Was Mr. Murphy also the president of Bentley</p> <p>19 Pharmaceuticals in the U.S.A. at that time?</p> <p>20 A. Yes.</p> <p>21 Q. Did he hold any position at Laboratorious</p> <p>22 Belmac at that time?</p> <p>23 A. He was the president and the appointed --</p> <p>24 sorry. He was president and the appointed --</p>
<p style="text-align: right;">Page 15</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 MR. MINGOLLA: Objection.</p> <p>3 A. Now I understand. Belmac U.S.A. and Belmac</p> <p>4 Spain. That's okay. I learned.</p> <p>5 Q. When you became general director of Belmac</p> <p>6 Spain, what company or companies was Jim</p> <p>7 Murphy working for?</p> <p>8 MR. MINGOLLA: Objection.</p> <p>9 A. Belmac, for Belmac Spain. All I know is the</p> <p>10 work of Belmac Spain.</p> <p>11 Q. Was Mr. Murphy also working for Bentley</p> <p>12 U.S.A.?</p> <p>13 MR. MINGOLLA: Objection.</p> <p>14 A. Yes, I think so.</p> <p>15 MR. MINGOLLA: Can we go off the</p> <p>16 record for one second.</p> <p>17 THE VIDEOGRAPHER: The time is 9:54</p> <p>18 a.m.</p> <p>19 (Recess)</p> <p>20 THE VIDEOGRAPHER: The time is 9:57</p> <p>21 a.m. We're back on the record.</p> <p>22 MR. BOSTWICK: Could you read back</p> <p>23 the last question and answer.</p> <p>24 (Question read)</p>	<p style="text-align: right;">Page 17</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 MR. BOSTWICK: Why don't you spell</p> <p>3 the words out in Spanish of what Jim Murphy's</p> <p>4 position is. Is there a formal expression?</p> <p>5 MS. GREGORIO: CEO.</p> <p>6 Q. Is chief executive officer an accurate</p> <p>7 description of what Jim Murphy was?</p> <p>8 MR. MINGOLLA: Objection.</p> <p>9 Q. At Laboratorious Belmac?</p> <p>10 A. Official.</p> <p>11 MR. BOSTWICK: I think the best</p> <p>12 thing is we should actually spell the title</p> <p>13 that he had in Spanish since it may not</p> <p>14 translate directly or he doesn't know. Why</p> <p>15 don't you get the actual title and then spell</p> <p>16 it out for the court reporter.</p> <p>17 A. C-O-N-S-E-J-E-R-O D-E-L-E-G-A-D-O D-E</p> <p>18 C-O-N-S-E-J-O-D-E,</p> <p>19 A-D-M-I-N-I-S-T-R-A-C-I-O-N.</p> <p>20 Q. Is it fair to say that in 1999 that your</p> <p>21 understanding was that Jim Murphy was the top</p> <p>22 official at Bentley U.S.A.?</p> <p>23 MR. MINGOLLA: Objection.</p> <p>24 A. The head official, I don't understand what</p>

5 (Pages 14 to 17)

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<p style="text-align: right;">Page 18</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 that means.</p> <p>3 Q. The top boss.</p> <p>4 A. The boss, it's an undefined term. In Spain</p> <p>5 it doesn't exist.</p> <p>6 Q. What's the top -- was he the top person in</p> <p>7 the company?</p> <p>8 MR. MINGOLLA: Objection.</p> <p>9 A. In what company?</p> <p>10 Q. Bentley.</p> <p>11 A. Yes.</p> <p>12 Q. How about Laboratorious Belmac?</p> <p>13 A. Also.</p> <p>14 Q. How long did you work in the position of --</p> <p>15 I'm sorry. Which was the position you held</p> <p>16 after 1999 in Laboratorious Belmac?</p> <p>17 A. Me?</p> <p>18 Q. Yes.</p> <p>19 A. Director of strategic planning.</p> <p>20 Q. And how long did you work in that position?</p> <p>21 A. Until October 2002.</p> <p>22 Q. And did you retire at that point?</p> <p>23 A. Yes.</p> <p>24 Q. And are you retired now?</p>	<p style="text-align: right;">Page 20</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 you and Mr. Murphy from 1995 to 1999?</p> <p>3 A. Yes.</p> <p>4 Q. That's correct?</p> <p>5 A. Yes.</p> <p>6 Q. And how often did the board of directors meet</p> <p>7 formally between 1995 and 1999?</p> <p>8 A. I don't understand very well formally.</p> <p>9 MR. MINGOLLA: I will just register</p> <p>10 an objection here. My understanding that the</p> <p>11 translator is mistranslating the words "board</p> <p>12 of directors."</p> <p>13 MR. BOSTWICK: What is the term</p> <p>14 she's using?</p> <p>15 MS. ABREU: She is saying -- and the</p> <p>16 correct term is --</p> <p>17 MR. MINGOLLA: The translator is</p> <p>18 saying -- and it should be --</p> <p>19 Q. Let me ask the question again. From 1995 to</p> <p>20 1999 was there a board of directors at</p> <p>21 Laboratorious Belmac in Spain?</p> <p>22 A. Yes.</p> <p>23 Q. And who was on that board of directors?</p> <p>24 A. Mr. Murphy, the secretary, I don't remember</p>
<p style="text-align: right;">Page 19</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. Yes.</p> <p>3 Q. We have talked about some of the positions</p> <p>4 that you have held at Laboratorious Belmac.</p> <p>5 Were you also on the board of directors at</p> <p>6 Laboratorious Belmac for a period of time?</p> <p>7 A. I don't understand.</p> <p>8 Q. Was there a committee or a board of directors</p> <p>9 that controlled the decisions of</p> <p>10 Laboratorious Belmac?</p> <p>11 A. Belmac Spain?</p> <p>12 Q. Yes.</p> <p>13 A. Belmac Spain, yes.</p> <p>14 Q. And who was on that board while you were</p> <p>15 general director?</p> <p>16 A. Mr. Murphy, the president; and myself,</p> <p>17 general director.</p> <p>18 Q. Anyone else?</p> <p>19 A. No.</p> <p>20 Q. How often did you meet as a board of</p> <p>21 directors while you were general director?</p> <p>22 A. Can you clarify a little bit more?</p> <p>23 Q. You said that the board of directors of</p> <p>24 Laboratorious Belmac in Spain consisted of</p>	<p style="text-align: right;">Page 21</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 his name at this moment, and I don't know who</p> <p>3 else.</p> <p>4 Q. Was Jim Murphy on the board of directors?</p> <p>5 A. Yes.</p> <p>6 Q. So as I understand it, you were on the board</p> <p>7 of directors. Jim Murphy was on the board of</p> <p>8 directors and one other individual whose name</p> <p>9 you can't recall?</p> <p>10 A. No. I wasn't on the board of directors.</p> <p>11 Q. You were not on the board of directors of</p> <p>12 Laboratorious Belmac; is that correct?</p> <p>13 A. No, I don't think so.</p> <p>14 Q. So you don't recall any meetings with a board</p> <p>15 of directors that you were a part of during</p> <p>16 1995 to 1999 --</p> <p>17 A. No.</p> <p>18 Q. -- in other words; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Let's talk about the structure of</p> <p>21 Laboratorious Belmac in Spain. Okay?</p> <p>22 A. Yes.</p> <p>23 Q. As I understand it, there was an office in</p> <p>24 Madrid, and there was a manufacturing plant</p>

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<p style="text-align: right;">Page 22</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 in Zaragoza?</p> <p>3 A. Yes.</p> <p>4 Q. And just to clarify, I'm talking about the</p> <p>5 period while you were general manager from</p> <p>6 1995 to 1999. Okay?</p> <p>7 A. Yes.</p> <p>8 Q. What was the purpose of the office in Madrid?</p> <p>9 A. They would take care of the administration</p> <p>10 and general directing and commercial</p> <p>11 directing also.</p> <p>12 Q. Was one of the responsibilities to report to</p> <p>13 the parent company Bentley U.S.A.?</p> <p>14 A. No.</p> <p>15 Q. Did the people in the Madrid office of</p> <p>16 Laboratorios Belmac ever report to Bentley</p> <p>17 U.S.A. while you were general director?</p> <p>18 A. No.</p> <p>19 Q. How many people were in the office in Madrid</p> <p>20 from 1995 to 1999?</p> <p>21 A. It varied.</p> <p>22 Q. How about in 1995 when you became general</p> <p>23 director?</p> <p>24 A. Approximately six people.</p>	<p style="text-align: right;">Page 24</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. Which building?</p> <p>3 Q. I'm sorry, the office in Madrid.</p> <p>4 A. Which office?</p> <p>5 Q. How many offices were there?</p> <p>6 A. There were two -- three.</p> <p>7 Q. Can you describe each office for me?</p> <p>8 A. Yes. The first one was on the street Paseo</p> <p>9 De La Castellana. I don't remember the</p> <p>10 number. The second one was on the street of</p> <p>11 Montearragon.</p> <p>12 Q. Let me interrupt for a moment. Just so I</p> <p>13 understand, were there three offices at the</p> <p>14 same time, or did you change offices three</p> <p>15 times in Madrid?</p> <p>16 A. We changed office. There were never three.</p> <p>17 Q. There was never three at once?</p> <p>18 A. No.</p> <p>19 Q. Did the same -- did Bentley own all of the</p> <p>20 offices, all the three offices in Madrid?</p> <p>21 A. No.</p> <p>22 Q. Who owned the offices of Madrid?</p> <p>23 A. Proprietors that were external from the</p> <p>24 company.</p>
<p style="text-align: right;">Page 23</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. And were you working as general director in</p> <p>3 the Madrid office?</p> <p>4 A. Yes.</p> <p>5 Q. Who else was working in the Madrid office in</p> <p>6 1995?</p> <p>7 A. Mr. Jose Mari Esteves financial director.</p> <p>8 Q. E-S-T-E-V-E-S?</p> <p>9 A. Z. Pedro Vasquez as commercial director.</p> <p>10 Two people as secretaries, one reception, and</p> <p>11 the managers of the commercial zone would</p> <p>12 show up, three managers of the commercial</p> <p>13 zone sporadically.</p> <p>14 Q. Did the number of people at the Madrid office</p> <p>15 increase from '95 to 1999?</p> <p>16 A. Yes.</p> <p>17 Q. In 1999 when you left as general manager, how</p> <p>18 many people were working in the Madrid</p> <p>19 office?</p> <p>20 A. Exactly it's hard to count them. If you</p> <p>21 want, I can make the effort.</p> <p>22 Q. Can you give me an approximation?</p> <p>23 A. Yes, 18 people approximately.</p> <p>24 Q. And who owned the building in Spain?</p>	<p style="text-align: right;">Page 25</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. So you rented the property?</p> <p>3 A. Yes.</p> <p>4 Q. Who paid the rental fees, Bentley or</p> <p>5 Laboratorios Belmac in Spain?</p> <p>6 A. Belmac.</p> <p>7 Q. In Spain?</p> <p>8 A. Belmac Spain.</p> <p>9 Q. During the 1995 to 1999 time period while you</p> <p>10 were general manager or general director, how</p> <p>11 many people worked at the Zaragoza plant?</p> <p>12 A. I think in my corporation in '95 there are</p> <p>13 approximately 75 people.</p> <p>14 Q. Did that number grow?</p> <p>15 A. Yes.</p> <p>16 Q. In 1999 how many people were working at the</p> <p>17 plant in Zaragoza?</p> <p>18 A. I don't remember exactly.</p> <p>19 Q. Can you give me an estimate?</p> <p>20 A. Forty-five, 50. It could be.</p> <p>21 Q. So the number of people who were working in</p> <p>22 Zaragoza decreased from 1995 to 1999?</p> <p>23 A. No. From 35 to 50, increased.</p> <p>24 Q. Just to clarify, let me clarify, in 1995</p>

7 (Pages 22 to 25)

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<p style="text-align: right;">Page 26</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 there were approximately 35 people in</p> <p>3 Zaragoza plant?</p> <p>4 A. Yes, I think so.</p> <p>5 Q. And in 1999 there were approximately 50</p> <p>6 people in Zaragoza?</p> <p>7 A. Yes.</p> <p>8 Q. And what was the relationship that</p> <p>9 Laboratorious Belmac had with its parent</p> <p>10 company in the U.S. from 1995 to 1999?</p> <p>11 A. Could you repeat the question, please?</p> <p>12 Q. Was there a relationship between Bentley</p> <p>13 U.S.A. and Laboratorious Belmac in Spain</p> <p>14 while you were general director?</p> <p>15 A. In what sense?</p> <p>16 Q. In any sense.</p> <p>17 MR. MINGOLLA: Objection.</p> <p>18 A. I don't know.</p> <p>19 Q. How would you describe the relationship with</p> <p>20 Bentley U.S.A. and Laboratorious Belmac</p> <p>21 between 1995 and 1999?</p> <p>22 MR. MINGOLLA: Objection.</p> <p>23 Q. If there was any relationship?</p> <p>24 MR. MINGOLLA: Are you talking about</p>	<p style="text-align: right;">Page 28</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. No.</p> <p>3 Q. In other words, that's correct?</p> <p>4 A. What.</p> <p>5 Q. In other words, it's correct that there was</p> <p>6 never any direction from Bentley to</p> <p>7 Laboratorious Belmac from 1995 to 1999?</p> <p>8 A. We had a total independency.</p> <p>9 Q. I'm sorry. There was a total independence.</p> <p>10 Is that what you said?</p> <p>11 A. In the decisions. We would inform Bentley of</p> <p>12 our results and the accounts of the results.</p> <p>13 Q. Did Jim Murphy influence the decisions of</p> <p>14 Laboratorious Belmac during 1995 to 1999?</p> <p>15 A. No.</p> <p>16 Q. Is it true that you can't recall a single</p> <p>17 circumstance -- tell him I haven't finish the</p> <p>18 question.</p> <p>19 Is it true you can't recall a single</p> <p>20 circumstance between 1995 and 1999 where Jim</p> <p>21 Murphy influenced the decisions of</p> <p>22 Laboratorious Belmac in Spain?</p> <p>23 MR. MINGOLLA: Objection.</p> <p>24 A. He was president of Belmac. As president of</p>
<p style="text-align: right;">Page 27</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 his current understanding or his</p> <p>3 understanding during the period he was the</p> <p>4 general manager?</p> <p>5 Q. I'll rephrase the question. From 1995 to</p> <p>6 1999 while you were general director, how</p> <p>7 would you describe the relationship between</p> <p>8 Laboratorious Belmac in Spain and Bentley in</p> <p>9 the U.S.?</p> <p>10 MR. MINGOLLA: Objection.</p> <p>11 A. It's a relationship that was taken by</p> <p>12 Mr. Murphy.</p> <p>13 Q. Could you explain what you mean by that?</p> <p>14 A. It could be the financial department,</p> <p>15 communication of results, yes, communication</p> <p>16 of the results.</p> <p>17 Q. Did Bentley in the U.S. influence the</p> <p>18 decisions of Laboratorious Belmac?</p> <p>19 MR. MINGOLLA: Objection.</p> <p>20 A. No.</p> <p>21 Q. Not in any circumstance?</p> <p>22 A. No.</p> <p>23 Q. Never between 1995 and 1999?</p> <p>24 MR. MINGOLLA: Objection.</p>	<p style="text-align: right;">Page 29</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Belmac, he did influence.</p> <p>3 Q. Did he influence it, Laboratorious Belmac,</p> <p>4 as the president of Bentley?</p> <p>5 MR. MINGOLLA: Objection.</p> <p>6 A. I don't know Jim Murphy's influence.</p> <p>7 Q. You don't know whether Jim Murphy influenced</p> <p>8 Laboratorious Belmac?</p> <p>9 MR. MINGOLLA: Objection.</p> <p>10 Q. From 1995 to 1999?</p> <p>11 A. I don't know Jim Murphy's influence and his</p> <p>12 double job.</p> <p>13 Q. I'm trying to understand. Is your testimony</p> <p>14 that you don't understand whether Jim Murphy</p> <p>15 influenced Laboratorious Belmac?</p> <p>16 MR. MINGOLLA: Objection.</p> <p>17 Q. Or that you don't know in what capacity he</p> <p>18 influenced Laboratorious Belmac?</p> <p>19 MR. MINGOLLA: Objection. No time</p> <p>20 frame.</p> <p>21 Q. During 1995 to 1999?</p> <p>22 A. I knew and I worked with Jim Murphy, the</p> <p>23 president of Laboratorious Belmac.</p> <p>24 Q. And you knew and you worked with Jim Murphy,</p>

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<p style="text-align: right;">Page 30</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 the president of Bentley, correct?</p> <p>3 MR. MINGOLLA: Objection.</p> <p>4 A. No. No, I knew Jim Murphy, the president of</p> <p>5 Bentley.</p> <p>6 Q. So Jim Murphy was the president of Bentley</p> <p>7 and the president of Belmac in Spain?</p> <p>8 MR. MINGOLLA: Objection.</p> <p>9 A. Yes.</p> <p>10 Q. And did Jim Murphy influence the activity of</p> <p>11 Laboratorious Belmac in Spain while you were</p> <p>12 general manager?</p> <p>13 MR. MINGOLLA: Objection.</p> <p>14 A. As the president of Laboratorious Belmac.</p> <p>15 Q. Did Jim Murphy influence Laboratorious</p> <p>16 Belmac in Spain as Bentley's president?</p> <p>17 MR. MINGOLLA: Objection.</p> <p>18 A. Yes, of course.</p> <p>19 MR. BOSTWICK: I'd appreciate it if</p> <p>20 when you make an objection, you tell the</p> <p>21 basis, not lengthy, simply what it is. Then</p> <p>22 if there is a problem with form --</p> <p>23 MR. MINGOLLA: Dwight, at some point</p> <p>24 when you're at a convenient breaking point,</p>	<p style="text-align: right;">Page 32</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. No.</p> <p>3 Q. Never or just infrequently?</p> <p>4 A. No, because I had assigned the -- I</p> <p>5 administer direction to Mr. Estevez.</p> <p>6 Q. Do you ever recall being in a meeting with</p> <p>7 Michael Price between 1995 and 1999?</p> <p>8 A. Myself, no, but people within my team, yes.</p> <p>9 Q. Do you ever recall speaking to Michael Price</p> <p>10 directly on the telephone between 1995 and</p> <p>11 1999?</p> <p>12 A. No. Directly, no. Through Mr. Estevez but</p> <p>13 no.</p> <p>14 Q. How about Mr. Stote? Do you know Robert</p> <p>15 Stote?</p> <p>16 A. Yes.</p> <p>17 Q. Did you ever meet with Robert Stote between</p> <p>18 1995 and 1999?</p> <p>19 A. Yes, I saw him. I met him.</p> <p>20 Q. Approximately how many times?</p> <p>21 A. Three times or four.</p> <p>22 Q. Was there anyone else from Bentley U.S.A.</p> <p>23 other than Mr. Murphy, Mr. Price and</p> <p>24 Mr. Stote that you met with or spoke with as</p>
<p style="text-align: right;">Page 31</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 can we just take a five-minute break?</p> <p>3 MR. BOSTWICK: Sure. Let me ask a</p> <p>4 few more questions in this area.</p> <p>5 Q. Who are the people that you dealt with from</p> <p>6 Bentley U.S.A. from 1995 to 1999?</p> <p>7 A. I would like to clarify. What do you mean by</p> <p>8 dealt with?</p> <p>9 Q. Any form of communications, telephone,</p> <p>10 writing, meetings. And you've already</p> <p>11 testified I believe that you communicated</p> <p>12 with Mr. Murphy, correct?</p> <p>13 MR. MINGOLLA: Objection.</p> <p>14 A. Yes, I would communicate with Belmac's</p> <p>15 president, with other people from Bentley. I</p> <p>16 would know them, and I had relationships with</p> <p>17 technical people from Belmac, mainly the</p> <p>18 financial director -- with the financial</p> <p>19 director of Bentley, Michael Price.</p> <p>20 Q. Michael Price?</p> <p>21 A. Financial director of Belmac, Mr. Estevez,</p> <p>22 with Michael Price.</p> <p>23 Q. Did you have discussions with Michael Price</p> <p>24 from 1995 to 1999?</p>	<p style="text-align: right;">Page 33</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 you've described between 1995 and 1999?</p> <p>3 A. I met a secretary. I don't remember her</p> <p>4 name. There is another person that was</p> <p>5 director of investigation, I think, of</p> <p>6 Bentley.</p> <p>7 Q. Approximately when?</p> <p>8 A. Which person?</p> <p>9 Q. The person you just referred to,</p> <p>10 investigations.</p> <p>11 A. At the end. I'm not sure but probably in</p> <p>12 '99. I don't remember his name right now.</p> <p>13 Q. Why don't we take a break for ten minutes,</p> <p>14 and I would caution you, again, not to speak</p> <p>15 about your testimony with the lawyers during</p> <p>16 the break.</p> <p>17 A. Perfect.</p> <p>18 THE VIDEOGRAPHER: The time is 10:38</p> <p>19 a.m. We're going off the record.</p> <p>20 (Recess)</p> <p>21 THE VIDEOGRAPHER: The time is 10:50</p> <p>22 a.m. We're back on the record.</p> <p>23 Q. Dr. Azpeitia, I'll -- I'll start again.</p> <p>24 Dr. Azpeitia, when you became general</p>

9 (Pages 30 to 33)

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<p style="text-align: right;">Page 34</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 director of Laboratorious Belmac in 1995,</p> <p>3 there was a relationship with Ethypharm in</p> <p>4 France and in Spain; is that correct?</p> <p>5 MR. MINGOLLA: Objection as to form</p> <p>6 as to relationship.</p> <p>7 A. Correct.</p> <p>8 Q. How would you describe the relationship</p> <p>9 between Ethypharm and Bentley and Belmac in</p> <p>10 1995 --</p> <p>11 MR. MINGOLLA: Objection as to form.</p> <p>12 Q. -- when you became general director?</p> <p>13 A. There was a relationship between Ethypharm in</p> <p>14 Spain and Belmac in Spain.</p> <p>15 Q. How would you describe that relationship --</p> <p>16 MR. MINGOLLA: Objection as to form.</p> <p>17 Q. -- in 1995? There was a manufacturing</p> <p>18 relationship, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And is it correct that Belmac manufactured</p> <p>21 Omeprazole for Ethypharm during this period?</p> <p>22 A. Yes.</p> <p>23 Q. Is it true that Laboratorious Belmac also</p> <p>24 manufactured other drugs and medicines for</p>	<p style="text-align: right;">Page 36</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 with Ethypharm the most profitable aspect of</p> <p>3 Laboratorious Belmac operations?</p> <p>4 MR. MINGOLLA: Objection as to form.</p> <p>5 Ambiguous.</p> <p>6 A. I'm sorry, but I have to ask again to clarify</p> <p>7 what sense. I don't understand the question</p> <p>8 very well.</p> <p>9 Q. What was the most profitable drug that</p> <p>10 Laboratorious Belmac was involved with from</p> <p>11 1995 to 1999?</p> <p>12 MR. MINGOLLA: Objection as to form.</p> <p>13 Involved with.</p> <p>14 A. In general if we talk as a medicine,</p> <p>15 Omeprazole was the product that was the most</p> <p>16 sold in Belmac.</p> <p>17 Q. That's true for the period between 1995 and</p> <p>18 1999 while you were the general manager?</p> <p>19 A. Yes.</p> <p>20 Q. Was Lansoprazole a product that was</p> <p>21 manufactured by Belmac for Ethypharm?</p> <p>22 MR. MINGOLLA: Objection. Time</p> <p>23 frame.</p> <p>24 A. I don't remember exactly if it was in my time</p>
<p style="text-align: right;">Page 35</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Ethypharm in 1995?</p> <p>3 A. Yes.</p> <p>4 Q. And is it true that Laboratorious Belmac</p> <p>5 manufactured Omeprazole and other medicines</p> <p>6 between 1995 and 1999 while you were general</p> <p>7 director?</p> <p>8 A. For Ethypharm, yes.</p> <p>9 Q. Was Omeprazole the single largest source of</p> <p>10 profit for Laboratorious Belmac between 1995</p> <p>11 and 1999 while you were general manager?</p> <p>12 A. Can you clarify the question?</p> <p>13 Q. Did Omeprazole make the most money for</p> <p>14 Laboratorious Belmac while you were general</p> <p>15 manager?</p> <p>16 MR. MINGOLLA: Objection. Vague.</p> <p>17 A. We would obtain benefits from Omeprazole in</p> <p>18 different ways in Belmac.</p> <p>19 Q. What were some of the ways?</p> <p>20 A. We'd produce pellets, capsulating pellets and</p> <p>21 selling capsules, the finished products in</p> <p>22 the market, fundamentally in the Spanish</p> <p>23 market.</p> <p>24 Q. Was the production and sale of Omeprazole</p>	<p style="text-align: right;">Page 37</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 period as director; but, yes, during the time</p> <p>3 that I worked for Belmac, maybe as director</p> <p>4 of strategic planning, but I don't remember</p> <p>5 exactly the date.</p> <p>6 Q. Let me make sure that I'm clear on your</p> <p>7 answer. You do remember that Belmac in Spain</p> <p>8 manufactured Lansoprazole for Ethypharm, but</p> <p>9 you don't remember what time period; is that</p> <p>10 correct?</p> <p>11 A. Yes, but I'm not sure of anything. I did</p> <p>12 know it was a project, but I'm not sure when</p> <p>13 it took place, and I'm sorry about that.</p> <p>14 Q. Do you know whether Lansoprazole uses the</p> <p>15 same or a similar pellet technology to</p> <p>16 manufacture?</p> <p>17 MR. MINGOLLA: Objection as to form.</p> <p>18 Similar.</p> <p>19 A. I don't remember.</p> <p>20 Q. Who would be the most knowledgeable person</p> <p>21 about technology issues --</p> <p>22 MR. MINGOLLA: Objection.</p> <p>23 Q. -- while you were general director of</p> <p>24 Laboratorious Belmac?</p>

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<p style="text-align: right;">Page 38</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. At some point the last two years, '98, '99 or</p> <p>3 '97, '98, Mr. Adolfo Cabodevilla. He was</p> <p>4 general director with me.</p> <p>5 Q. I believe he said after, is that correct,</p> <p>6 after?</p> <p>7 A. From '96 or '97 or '99 with me, general</p> <p>8 director.</p> <p>9 MR. MINGOLLA: Objection.</p> <p>10 Q. I was asking a question -- let me just</p> <p>11 clarify. Okay. I was asking a question</p> <p>12 about technical knowledge, and who within</p> <p>13 Laboratorious Belmac would know the most</p> <p>14 about pellet technology while you were</p> <p>15 general director?</p> <p>16 A. In 1995, Mateo Gasca.</p> <p>17 Q. In what year?</p> <p>18 A. In '95. Mateo Gasca was the chief of the</p> <p>19 plant of micrograins.</p> <p>20 Q. Microgranules?</p> <p>21 A. Him and Antonio Cabodevila, that was director</p> <p>22 of production. Later the person who I think</p> <p>23 that knew the most about the pellets was</p> <p>24 Adolfo Herrera.</p>	<p style="text-align: right;">Page 40</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Foundation.</p> <p>3 A. The follow-up of Belmac's company.</p> <p>4 Q. Was it to provide input and assistance into</p> <p>5 the operations of Laboratorious Belmac?</p> <p>6 MR. MINGOLLA: Objection as to form.</p> <p>7 What do you mean by input or assistance?</p> <p>8 MR. BOSTWICK: I'll let that stand.</p> <p>9 The normal English meanings.</p> <p>10 MR. MINGOLLA: As translated.</p> <p>11 A. I don't understand the question.</p> <p>12 Q. Was one of the purposes that Mr. Murphy</p> <p>13 visited Spain was to provide input and</p> <p>14 assistance?</p> <p>15 MR. MINGOLLA: Objection as to form.</p> <p>16 Q. I haven't finished the question. Let me try</p> <p>17 it again. Was one of the purposes of</p> <p>18 Mr. Murphy's visits to Spain while you were</p> <p>19 general manager from 1995 to 1999 to provide</p> <p>20 instruction and assistance to the operations</p> <p>21 of Laboratorious Belmac in Spain?</p> <p>22 MR. MINGOLLA: Objection as to form.</p> <p>23 Objection as to translation.</p> <p>24 A. No. It was mainly to know in situ, tell him</p>
<p style="text-align: right;">Page 39</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. While you were general director, how often</p> <p>3 did Jim Murphy travel to Spain?</p> <p>4 MR. MINGOLLA: Objection.</p> <p>5 Foundation.</p> <p>6 A. I don't understand, traveled. What do you</p> <p>7 mean traveled? I don't understand.</p> <p>8 Q. While you were general director between 1995</p> <p>9 and 1999, did Jim Murphy ever travel to</p> <p>10 Spain?</p> <p>11 A. Yes.</p> <p>12 Q. How often in general? One time a week? One</p> <p>13 time a month? One time a year?</p> <p>14 MR. MINGOLLA: Objection.</p> <p>15 A. Once every two or three months,</p> <p>16 approximately.</p> <p>17 Q. And how often would he stay in Spain when he</p> <p>18 traveled to visit?</p> <p>19 A. One week.</p> <p>20 Q. Always or generally?</p> <p>21 A. Generally.</p> <p>22 Q. And what were the purposes of Mr. Murphy's</p> <p>23 visits?</p> <p>24 MR. MINGOLLA: Objection.</p>	<p style="text-align: right;">Page 41</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 over the phone in situ what I would tell him</p> <p>3 on the phone every week.</p> <p>4 MR. MINGOLLA: I'm going to object</p> <p>5 to any recasting of the fact. We have</p> <p>6 another translator here who is willing to</p> <p>7 step in. I think a lot of these problems</p> <p>8 would be alleviated, so we should go off the</p> <p>9 record after we hear this answer back.</p> <p>10 MR. BOSTWICK: Let me just say that</p> <p>11 we're halfway into an area, and I do want to</p> <p>12 finish a few questions in this area and with</p> <p>13 this translator and witness because I think</p> <p>14 it would be disruptive.</p> <p>15 I'm more than willing to have</p> <p>16 another translator if that's what you would</p> <p>17 like, but I do think we have a question</p> <p>18 pending and an answer pending, and it's a</p> <p>19 little disconcerting to have a lengthy</p> <p>20 dialogue between those issues.</p> <p>21 MR. MINGOLLA: We have an answer</p> <p>22 being read back, and I will continue to</p> <p>23 object to the continued use of this</p> <p>24 translator when we have made great efforts to</p>

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<p style="text-align: right;">Page 42</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 get a new translator who is more familiar</p> <p>3 with the terminology who is ready, willing</p> <p>4 and able to step in rather you continue</p> <p>5 pursuing a line of questioning using a</p> <p>6 translator who is having difficulties with</p> <p>7 some of these particular issues.</p> <p>8 MR. BOSTWICK: We are in between a</p> <p>9 question and answer.</p> <p>10 MR. MINGOLLA: Let's have the answer</p> <p>11 read back.</p> <p>12 (Question read)</p> <p>13 Q. Let me follow up on this question. As I</p> <p>14 understood what you said, it was that a</p> <p>15 purpose of Mr. Murphy's visits was to</p> <p>16 understand on site what you discussed with</p> <p>17 Mr. Murphy on weekly telephone conversations?</p> <p>18 MR. MINGOLLA: Objection as to form.</p> <p>19 A. The word "discuss" isn't right to me.</p> <p>20 Q. What is correct to you?</p> <p>21 A. Conversations, what I told him, inform</p> <p>22 Mr. Murphy every week, generally on Fridays,</p> <p>23 what we were doing in Spain, and thank God</p> <p>24 the success is that we're having and some</p>	<p style="text-align: right;">Page 44</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 don't we do that with the court reporter.</p> <p>3 (Interpreter, Ivelissa Escalera,</p> <p>4 sworn)</p> <p>5 MR. BOSTWICK: And just to clarify,</p> <p>6 so that we aren't here through the entire</p> <p>7 summer, what we'll do is have Jennifer</p> <p>8 translate the questions and answers as she's</p> <p>9 been doing, and to the extent she needs help</p> <p>10 or to the extent that there is some</p> <p>11 disagreement or issue, we can refer to the</p> <p>12 other translator, Ivelissa.</p> <p>13 Just so I can get on the record,</p> <p>14 Joe, is that an appropriate statement?</p> <p>15 MR. MINGOLLA: That's acceptable to</p> <p>16 us.</p> <p>17 Q. I believe, Dr. Azpeitia, that we were</p> <p>18 speaking of Jim Murphy's visits to Spain?</p> <p>19 A. Yes.</p> <p>20 Q. And we were discussing the purposes of those</p> <p>21 visits?</p> <p>22 A. Yes.</p> <p>23 Q. Could I get you to state one more time the</p> <p>24 purposes, as you understood it, of</p>
<p style="text-align: right;">Page 43</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 problems that we also had. So when he would</p> <p>3 come to Spain, we would review with more</p> <p>4 detail all the circumstances. He was an</p> <p>5 animator of the --</p> <p>6 MR. MINGOLLA: I object to this</p> <p>7 translation.</p> <p>8 A. Animator of the transactions in Belmac</p> <p>9 because while I was in Belmac as general</p> <p>10 director things went very well.</p> <p>11 MR. BOSTWICK: Why don't we break</p> <p>12 for a minute or two and go off the record.</p> <p>13 THE VIDEOGRAPHER: The time is 11:13</p> <p>14 a.m. and we're going off the record.</p> <p>15 (Recess)</p> <p>16 THE VIDEOGRAPHER: The time is 11:25</p> <p>17 a.m. We're back on the record.</p> <p>18 MR. BOSTWICK: Just to explain</p> <p>19 briefly, we have been proceeding with the</p> <p>20 translations with Jennifer; and at the</p> <p>21 request of Bentley's attorneys, we have</p> <p>22 another translator present to assist, if</p> <p>23 necessary, who will sit next to Jennifer, and</p> <p>24 she will probably be sworn in, correct? Why</p>	<p style="text-align: right;">Page 45</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Mr. Murphy's visits to Spain while you were</p> <p>3 general director?</p> <p>4 MR. MINGOLLA: Objection as to form.</p> <p>5 A. The purpose was to review the matters of the</p> <p>6 company that we had already stated in phone</p> <p>7 conversations that we had every week.</p> <p>8 Q. Was one of the purposes of Mr. Murphy's</p> <p>9 visits to monitor the Ethypharm relationship?</p> <p>10 MR. MINGOLLA: Objection as to form.</p> <p>11 As to monitor, relationship. You can go</p> <p>12 ahead and answer the question.</p> <p>13 A. I don't understand monitor. I have an</p> <p>14 understanding of the word -- I don't</p> <p>15 understand the word.</p> <p>16 Q. Was one of the purposes of Mr. Murphy's</p> <p>17 visits to Spain to review the relationship</p> <p>18 with Ethypharm?</p> <p>19 MR. MINGOLLA: Objection as to form.</p> <p>20 A. Yes. Among them, yes.</p> <p>21 Q. And was one of the purposes of Mr. Murphy's</p> <p>22 visits while you were general director to</p> <p>23 discuss the manufacture of Omeprazole?</p> <p>24 MR. MINGOLLA: Objection. Leading.</p>

12 (Pages 42 to 45)

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<p style="text-align: right;">Page 46</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. Yes, that was one of the most frequent</p> <p>3 subjects.</p> <p>4 Q. What were the subjects -- strike that.</p> <p>5 Were those two subjects also</p> <p>6 subjects that you discussed in your weekly</p> <p>7 telephone conversations with Mr. Murphy?</p> <p>8 A. The subjects, I don't know the subject.</p> <p>9 Q. The relationship with Ethypharm and the</p> <p>10 manufacture of Omeprazole?</p> <p>11 MR. MINGOLLA: Objection as to form.</p> <p>12 A. Yes.</p> <p>13 Q. And did Mr. Murphy provide ideas about those</p> <p>14 subjects in your phone conversations?</p> <p>15 MR. MINGOLLA: Objection as to form.</p> <p>16 A. We all gave ideas on the telephone</p> <p>17 conversations, and on his visits to Spain it</p> <p>18 wasn't only myself and Mr. Murphy. There</p> <p>19 were also other people from my team always</p> <p>20 because of my difficulty with English,</p> <p>21 always.</p> <p>22 Always in the beginning Mr. Estevez</p> <p>23 was there, financial director and also had</p> <p>24 Fernando Berenguer. He was director of</p>	<p style="text-align: right;">Page 48</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Peterson. She was the president of the</p> <p>3 general director and the president of Spain.</p> <p>4 Q. Let me clarify. Was she the secretary of the</p> <p>5 president of Laboratorios Belmac in Spain</p> <p>6 and Bentley in the U.S. Is that what I heard</p> <p>7 you say?</p> <p>8 A. No. Only Belmac Spain.</p> <p>9 Q. She was the secretary of the president of</p> <p>10 Belmac Spain?</p> <p>11 A. Yes, she would act as the secretary of</p> <p>12 Mr. Murphy in Spain when he was here -- when</p> <p>13 he was in Spain.</p> <p>14 Q. How long did Laura Peterson hold that</p> <p>15 position?</p> <p>16 MR. MINGOLLA: Objection as to form.</p> <p>17 As to position.</p> <p>18 A. I think while I was general director, of the</p> <p>19 four years I was general director.</p> <p>20 Q. Did she continue when Adolfo Herrera was</p> <p>21 general director?</p> <p>22 A. For some time but not in the secretary</p> <p>23 position.</p> <p>24 Q. What position?</p>
<p style="text-align: right;">Page 47</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 development. And later on also Adolfo De</p> <p>3 Basilio and Fernando Berenguer on the phone</p> <p>4 also open conversations, always.</p> <p>5 Q. Let's talk about the telephone conversations.</p> <p>6 I understand that from 1995 to 1999 you had</p> <p>7 weekly telephone conversations with Jim</p> <p>8 Murphy in the United States; is that correct?</p> <p>9 MR. MINGOLLA: Objection as to form</p> <p>10 in the United States.</p> <p>11 A. Practically, yes.</p> <p>12 Q. How many people would participate in those</p> <p>13 telephone calls?</p> <p>14 MR. MINGOLLA: Objection. Which</p> <p>15 call?</p> <p>16 A. The ones I mentioned before.</p> <p>17 Q. So a typical telephone conversation in 1995,</p> <p>18 for example, who would be on that telephone</p> <p>19 call?</p> <p>20 MR. MINGOLLA: Objection as to form.</p> <p>21 Typical.</p> <p>22 A. In '95 it was Mr. Estevez, and then another</p> <p>23 person I forgot to mention before that was</p> <p>24 always there was our interpreter, Laura</p>	<p style="text-align: right;">Page 49</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. Administrative.</p> <p>3 Q. Was Laura Peterson the main person who</p> <p>4 translated for you during the telephone</p> <p>5 conversations you held with Mr. Murphy?</p> <p>6 A. One of the persons. The other persons were</p> <p>7 Fernando Berenguer, Mr. Estevez and</p> <p>8 Mr. Herrera.</p> <p>9 Q. How long did the telephone conversations</p> <p>10 generally last with Mr. Murphy?</p> <p>11 A. Thirty minutes, 15, 30 minutes.</p> <p>12 Q. Who participated in the United States? Only</p> <p>13 Mr. Murphy?</p> <p>14 MR. MINGOLLA: Objection as to form.</p> <p>15 Which call?</p> <p>16 A. I think always only Mr. Murphy.</p> <p>17 Q. Did you generally call Mr. Murphy in the</p> <p>18 United States?</p> <p>19 A. Sometimes he would call.</p> <p>20 Q. But was he in the United States in the</p> <p>21 offices of Bentley when you spoke with him?</p> <p>22 A. I think so but other times at his house.</p> <p>23 Q. In the United States?</p> <p>24 A. Yes.</p>

13 (Pages 46 to 49)

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<p style="text-align: right;">Page 50</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. When Mr. Murphy came to Europe, did he also</p> <p>3 meet with Ethypharm representatives?</p> <p>4 MR. MINGOLLA: Objection.</p> <p>5 Foundation.</p> <p>6 A. Sometimes -- sorry. He did at one time, at</p> <p>7 one point.</p> <p>8 Q. During the period from 1995 to 1999, while</p> <p>9 you were general manager, did Mr. Murphy meet</p> <p>10 with representatives of Ethypharm Spain?</p> <p>11 A. With representatives, yes, with</p> <p>12 Mr. De Basilio.</p> <p>13 Q. Did he meet with Mr. De Basilio often?</p> <p>14 MR. MINGOLLA: Objection as to form.</p> <p>15 A. The beginning, yes. In the beginning, very</p> <p>16 often. Later, almost never. I mean, the</p> <p>17 beginning year 1995, and with time less. I</p> <p>18 think in 1999 not at all.</p> <p>19 Q. When Mr. Murphy traveled to Europe, did he</p> <p>20 also meet with people from Ethypharm in</p> <p>21 France?</p> <p>22 A. On some occasions, I think. I remember, yes.</p> <p>23 But a very few times.</p> <p>24 Q. Did you ever go to Ethypharm's offices in</p>	<p style="text-align: right;">Page 52</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 with Adolfo De Basilio alone?</p> <p>3 A. Yes.</p> <p>4 Q. With Ethypharm France representatives as</p> <p>5 well?</p> <p>6 A. Yes, I think so.</p> <p>7 Q. Let me ask you about when you were hired as</p> <p>8 the general director in 1995. How did it</p> <p>9 come about that you were hired to be the</p> <p>10 general director of Laboratorios Belmac?</p> <p>11 A. You would have to ask Mr. Murphy.</p> <p>12 Q. Was there a person in the job before you?</p> <p>13 A. Yes.</p> <p>14 Q. Who was that?</p> <p>15 A. Mr. Perez Ayala.</p> <p>16 Q. Was Mr. Ayala fired?</p> <p>17 A. Yes, I think so.</p> <p>18 Q. Do you know why Mr. Ayala was fired?</p> <p>19 A. No. I would have to speculate.</p> <p>20 Q. Did you ever speak with Mr. Murphy about why</p> <p>21 Mr. Ayala was fired?</p> <p>22 A. No, I think never.</p> <p>23 Q. Did you ever speak with Mr. Ayala about why</p> <p>24 he was fired?</p>
<p style="text-align: right;">Page 51</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 France with Mr. Murphy that you recall?</p> <p>3 A. Yes, I remember at least once but not more</p> <p>4 than that. Maybe two but I don't think more</p> <p>5 than that.</p> <p>6 Q. Tell me what you remember about that</p> <p>7 occasion.</p> <p>8 MR. MINGOLLA: Objection. What</p> <p>9 occasion? You referenced possibly twice.</p> <p>10 A. Very few times because in those meetings</p> <p>11 Mr. Berenguer and Mr. Herrera also</p> <p>12 intervened, and they would intervene more</p> <p>13 than I would because it was a subject that</p> <p>14 they knew more than I did. Basically me and</p> <p>15 Mr. Murphy would go just to listen. We would</p> <p>16 know very little about the subject.</p> <p>17 Q. Did Mr. Murphy meet with Adolfo De Basilio</p> <p>18 alone on occasion?</p> <p>19 A. I think so. I don't know if it was in</p> <p>20 France, but in Spain, I know they did.</p> <p>21 Q. Did Mr. Murphy meet with representatives from</p> <p>22 Ethypharm France alone on occasion?</p> <p>23 A. I think so.</p> <p>24 Q. Did Mr. Murphy have telephone conversations</p>	<p style="text-align: right;">Page 53</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. I talked to him after he was in the company</p> <p>3 regarding a product that he had leftovers,</p> <p>4 stock, and he wanted me to buy them; but we</p> <p>5 talked about business, myself as director of</p> <p>6 Belmac and himself as a director of another</p> <p>7 company, but we didn't talk about his firing.</p> <p>8 Q. Who fired Mr. Ayala?</p> <p>9 A. I don't know.</p> <p>10 Q. Mr. Murphy hired you?</p> <p>11 A. Yes.</p> <p>12 Q. Why do you think Mr. Ayala was fired?</p> <p>13 MR. MINGOLLA: Objection. Calls for</p> <p>14 speculation.</p> <p>15 A. I would have to speculate. I don't know the</p> <p>16 exact reason.</p> <p>17 Q. When Mr. Murphy hired you, was there an</p> <p>18 application process?</p> <p>19 A. I don't understand about the application</p> <p>20 process.</p> <p>21 Q. Were there other applicants?</p> <p>22 A. I don't know.</p> <p>23 Q. Did anyone else apply for the job that you</p> <p>24 know?</p>

14 (Pages 50 to 53)

<p style="text-align: right;">Page 54</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. I don't understand the word "apply." If</p> <p>3 there were other candidates?</p> <p>4 Q. Yes.</p> <p>5 A. I don't know.</p> <p>6 Q. How long after Mr. Ayala was fired were you</p> <p>7 hired?</p> <p>8 A. Months, before a year, I think so.</p> <p>9 Q. More than a few months and less than a year?</p> <p>10 A. Yes.</p> <p>11 Q. And who ran Laboratorious Belmac as the</p> <p>12 general director in between Perez Ayala and</p> <p>13 you?</p> <p>14 MR. MINGOLLA: Objection as to form.</p> <p>15 A. I think Mr. Murphy held that position.</p> <p>16 Q. When you were hired by Mr. Murphy as general</p> <p>17 director, did he sit you down and tell you</p> <p>18 what he expected that you would do in your</p> <p>19 job?</p> <p>20 A. Yes.</p> <p>21 Q. What were the types of things he told you</p> <p>22 were expected of you?</p> <p>23 A. I think what he always expects, to not get to</p> <p>24 the limit where the company loses money,</p>	<p style="text-align: right;">Page 56</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 MR. BOSTWICK: Do you have a problem</p> <p>3 with the question as translated?</p> <p>4 MS. ESCALERA: Decision that Murphy</p> <p>5 opposed or disagree with --</p> <p>6 A. I would make the decisions. I would comment</p> <p>7 them with Mr. Murphy, the most important</p> <p>8 ones; and I don't remember him rejecting the</p> <p>9 ones that I proposed from the important ones</p> <p>10 because the ones that weren't important I</p> <p>11 wouldn't consult on.</p> <p>12 Q. For the important decisions, did you always</p> <p>13 consult Mr. Murphy?</p> <p>14 MR. MINGOLLA: Objection as to form.</p> <p>15 Important decisions as undefined.</p> <p>16 A. Yes, I would consult with them.</p> <p>17 Q. And you were never in disagreement with</p> <p>18 Mr. Murphy on a major decision?</p> <p>19 MR. MINGOLLA: Objection.</p> <p>20 A. I don't remember any important ones or not</p> <p>21 important. I don't remember. Generally it</p> <p>22 was an excellent relationship. I have a very</p> <p>23 fond memory. I had a person that understood</p> <p>24 me, and I would animate the company's</p>
<p style="text-align: right;">Page 55</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 break even.</p> <p>3 MS. ESCALERA: To get to the point</p> <p>4 where the company would not lose money.</p> <p>5 Q. Just to clarify, one thing that Mr. Murphy</p> <p>6 told you was to get the company to a point</p> <p>7 where it wasn't losing money?</p> <p>8 A. Exactly, that's the main objective.</p> <p>9 Q. Did you discuss the Ethypharm relationship in</p> <p>10 that discussion?</p> <p>11 MR. MINGOLLA: Objection as to form.</p> <p>12 Relationship.</p> <p>13 A. I don't remember.</p> <p>14 Q. Did you discuss Omeprazole in that</p> <p>15 conversation?</p> <p>16 A. I don't think we stated that.</p> <p>17 Q. While you were general manager, did you ever</p> <p>18 make a decision that Jim Murphy opposed or</p> <p>19 disagreed with?</p> <p>20 MR. MINGOLLA: Objection as to form.</p> <p>21 A. No.</p> <p>22 MS. ESCALERA: Can you repeat the</p> <p>23 question, please?</p> <p>24 (Question read)</p>	<p style="text-align: right;">Page 57</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 progress. I have to remind you that the</p> <p>3 company was going very well. Our progress is</p> <p>4 very strong.</p> <p>5 Q. What were the important factors that drove</p> <p>6 the success of your company between 1995 and</p> <p>7 1999?</p> <p>8 MR. MINGOLLA: Objection as to form.</p> <p>9 Important factors.</p> <p>10 A. In the beginning with the good evolution of</p> <p>11 the pharmaceutical products in Spain.</p> <p>12 Q. Which pharmaceutical products in Spain were</p> <p>13 most important to your growth?</p> <p>14 MR. MINGOLLA: Objection as to form.</p> <p>15 Important.</p> <p>16 A. The main ones were Omeprazole and Enalapril,</p> <p>17 E-N-A-L-A-P-R-I-L, that sold. Mr. Perez</p> <p>18 Ayala and I picked up the results from the</p> <p>19 sales to invest them in the development of</p> <p>20 other products.</p> <p>21 Q. Was the growth of Omeprazole the most</p> <p>22 important factor in the success of</p> <p>23 Laboratorious Belmac between 1995 and 1999?</p> <p>24 MR. MINGOLLA: Objection as to form.</p>

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<p style="text-align: right;">Page 58</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Growth of Omeprazole.</p> <p>3 A. Sorry.</p> <p>4 Q. Was the growth of the success of Omeprazole</p> <p>5 the most important factor in the success of</p> <p>6 Laboratorious Belmac?</p> <p>7 MR. MINGOLLA: Objection.</p> <p>8 Foundation and ambiguous.</p> <p>9 A. Yes. But the procedure of the medical</p> <p>10 specialty in the Spanish market,</p> <p>11 pharmaceutical specialty in the Spanish</p> <p>12 market was among the first brands of</p> <p>13 Omeprazole.</p> <p>14 Q. Was the micropellet technology the most</p> <p>15 important factor in the growth of</p> <p>16 Laboratorious Belmac?</p> <p>17 MR. MINGOLLA: Objection as to the</p> <p>18 undefined term "micropellet technology."</p> <p>19 A. No.</p> <p>20 MR. BOSTWICK: We'll break.</p> <p>21 THE VIDEOGRAPHER: The time is 11:58</p> <p>22 a.m. on June 27, 2006. This is the end of</p> <p>23 tape number one.</p> <p>24 (Recess)</p>	<p style="text-align: right;">Page 60</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. Yes.</p> <p>3 Q. This is a document which is a letter from Jim</p> <p>4 Murphy to Dr. De Basilio, and the second --</p> <p>5 let me read a couple of lines there and have</p> <p>6 this translated. All right. The letter</p> <p>7 reads, Dear, Senor De Basilio, Thank you for</p> <p>8 your rapid response in communication on</p> <p>9 Monday. I appreciate your interest in</p> <p>10 Belmac. I wish to inform you of my visit in</p> <p>11 France on 12 December 1994. And I'll skip</p> <p>12 down here. It says he will be in Paris on 13</p> <p>13 December and will travel to Madrid on the</p> <p>14 14th and 15th.</p> <p>15 My question to you is whether you</p> <p>16 remember Mr. Murphy coming to Paris and</p> <p>17 Madrid around December of 1994?</p> <p>18 A. I don't remember.</p> <p>19 Q. Is this before or after you were general</p> <p>20 manager? Do you know?</p> <p>21 A. Based on the date, I'm thinking it was</p> <p>22 before.</p> <p>23 Q. Let me read you part of the last paragraph.</p> <p>24 It says, During my visit to Paris, I am most</p>
<p style="text-align: right;">Page 59</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 THE VIDEOGRAPHER: The time is 12:10</p> <p>3 p.m. on June 27, 2006. This is tape number</p> <p>4 two.</p> <p>5 MR. BOSTWICK: Can you pause it?</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 12:10. We're going off the record.</p> <p>8 (Recess)</p> <p>9 THE VIDEOGRAPHER: The time is 12:11</p> <p>10 p.m. We're back on the record.</p> <p>11 Q. I have a few documents I would like to show</p> <p>12 you now, Dr. Azpeitia, all right. And the</p> <p>13 first document we will show you is document</p> <p>14 number 1.</p> <p>15 (Exhibit No. 1, Letter, so marked)</p> <p>16 Q. I would like you to take a look at that</p> <p>17 document and read it briefly. Okay?</p> <p>18 A. Someone needs to translate this document.</p> <p>19 Q. Do you ever read documents in English for</p> <p>20 your business?</p> <p>21 A. No.</p> <p>22 Q. And normally you would have someone at your</p> <p>23 office translate documents if they were in</p> <p>24 English?</p>	<p style="text-align: right;">Page 61</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 anxious to speak about opportunities to</p> <p>3 expand our collaborative relationship in the</p> <p>4 areas of manufacturing, microgranulation of</p> <p>5 products -- and I'll skip a couple of words</p> <p>6 and just go to -- and other ways in which our</p> <p>7 companies can grow and prosper together.</p> <p>8 My question to you is do you</p> <p>9 remember discussions with Ethypharm around</p> <p>10 the end of 1994 or the start of 1995 about</p> <p>11 expanding the relationship?</p> <p>12 MR. MINGOLLA: Objection. Are you</p> <p>13 referring to discussions to which he was a</p> <p>14 party?</p> <p>15 MR. BOSTWICK: Either.</p> <p>16 A. I don't know. I don't understand why Belmac</p> <p>17 couldn't expand Ethypharm. This were</p> <p>18 Ethypharm issues.</p> <p>19 Q. This letter was written by Jim Murphy at</p> <p>20 Belmac Corporation, correct?</p> <p>21 MR. MINGOLLA: Objection.</p> <p>22 A. I don't know.</p> <p>23 Q. Do you understand what Mr. Murphy means by</p> <p>24 saying he wants to expand the relationship</p>

16 (Pages 58 to 61)

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<p style="text-align: right;">Page 62</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 between Belmac Corporation and Ethypharm?</p> <p>3 MR. MINGOLLA: Objection. Calls for</p> <p>4 speculation.</p> <p>5 A. I can understand that it was an interesting</p> <p>6 point.</p> <p>7 Q. What was an interesting point?</p> <p>8 A. Because Omeprazole is and continues being one</p> <p>9 of the best sell molecules in the</p> <p>10 pharmaceutical business worldwide, and anyone</p> <p>11 that is in the pharmaceutical industry is</p> <p>12 very aware of this.</p> <p>13 Q. Is this an example of Mr. Murphy contacting</p> <p>14 Ethypharm directly?</p> <p>15 MR. MINGOLLA: Objection.</p> <p>16 A. It could be.</p> <p>17 Q. Did you speak to Mr. Murphy before he sent</p> <p>18 this letter?</p> <p>19 MR. MINGOLLA: Objection.</p> <p>20 A. No, I don't remember. And most likely I was</p> <p>21 not general director yet.</p> <p>22 Q. Do you know if Mr. Ayala had weekly phone</p> <p>23 calls with Mr. Murphy before you were general</p> <p>24 director?</p>	<p style="text-align: right;">Page 64</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 discussions, attached is a public disclosure</p> <p>3 which we wish to release concerning our</p> <p>4 intent to work closely for mutual benefit.</p> <p>5 Please review the announcement which has been</p> <p>6 designed to be only the basic framework of</p> <p>7 our future relationship.</p> <p>8 And my question to you is: Do you</p> <p>9 recall participating in discussions with</p> <p>10 Ethypharm yourself around January 1995?</p> <p>11 A. No, I don't remember.</p> <p>12 Q. Is this -- are these discussions that</p> <p>13 Mr. Murphy had directly with Ethypharm alone?</p> <p>14 MR. MINGOLLA: Objection.</p> <p>15 Foundation.</p> <p>16 A. Most likely, yes.</p> <p>17 Q. I'm going to turn to the second page of the</p> <p>18 document, and it says, Belmac announces</p> <p>19 formation of joint venture with Ethypharm in</p> <p>20 establishing drug delivery research and</p> <p>21 development.</p> <p>22 Did you write this announcement?</p> <p>23 A. I don't remember.</p> <p>24 Q. Well, would you have written this in English?</p>
<p style="text-align: right;">Page 63</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. I didn't know him.</p> <p>3 Q. Let me show you another exhibit.</p> <p>4 (Exhibit No. 2, Document, so marked)</p> <p>5 Q. This is the second exhibit, so if you can</p> <p>6 refer to that. Now, this is also in English,</p> <p>7 and it's another letter from Mr. Murphy at</p> <p>8 Belmac Corporation in the United States to</p> <p>9 Adolfo De Basilio, and the date is January</p> <p>10 19, 1995.</p> <p>11 Do you know whether you were general</p> <p>12 director during this time period?</p> <p>13 A. I don't remember exactly. Most likely I was</p> <p>14 not.</p> <p>15 Q. Was Mr. Ayala still general director?</p> <p>16 A. I know the official assignment of -- as of</p> <p>17 general director at Belmac, I know it was in</p> <p>18 June or September 1995 officially, but prior</p> <p>19 to that, I did carry some responsibilities</p> <p>20 without having the title, formally been</p> <p>21 assigned a title, but I don't know exactly.</p> <p>22 Q. This letter, the first page, let me read you</p> <p>23 the first two lines, okay. It says, Dear</p> <p>24 Adolfo, pursuant to the spirit of our recent</p>	<p style="text-align: right;">Page 65</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. In English, no, but I don't remember, and not</p> <p>3 even in Spanish I don't remember.</p> <p>4 Q. I refer to the bottom of the page, and it</p> <p>5 says for further information, contact Jill</p> <p>6 Perrone or Michael Price and the telephone</p> <p>7 numbers are U.S. numbers; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did Jill Perrone or Mike Price draft this?</p> <p>10 Do you know?</p> <p>11 A. I don't have an idea, no idea.</p> <p>12 Q. Did you ever see this document before today?</p> <p>13 A. No.</p> <p>14 Q. Were you involved at all in trying to</p> <p>15 negotiate a joint venture with Ethypharm in</p> <p>16 January of 1995?</p> <p>17 A. I don't remember.</p> <p>18 Q. Do you remember if anyone from Laboratorious</p> <p>19 Belmac was involved?</p> <p>20 A. I don't remember.</p> <p>21 Q. Let me show you a third exhibit.</p> <p>22 (Exhibit No. 3, Letter of intent, so</p> <p>23 marked)</p> <p>24 Q. Why don't we read the first paragraph and the</p>

17 (Pages 62 to 65)

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<p style="text-align: right;">Page 66</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 title. The title is "Letter of Intent," and</p> <p>3 the first paragraph says, This letter of</p> <p>4 intent is presented to Ethypharm by Belmac</p> <p>5 Corporation.</p> <p>6 Now, do you understand that to mean</p> <p>7 Belmac Corporation U.S.A. or Laboriatorious</p> <p>8 Belmac?</p> <p>9 MR. MINGOLLA: Objection. Calls for</p> <p>10 speculation.</p> <p>11 A. I don't know what was intentioned. I don't</p> <p>12 recognize the letter. I just don't know.</p> <p>13 What date is this letter?</p> <p>14 Q. I don't believe it has a date on it. Have</p> <p>15 you ever seen this letter before?</p> <p>16 A. No.</p> <p>17 Q. Let me show you another document. I believe</p> <p>18 this is Exhibit No. 4, and it appears to be a</p> <p>19 draft of a manufacturing agreement dated</p> <p>20 March 21, 1995. Have you ever seen this</p> <p>21 document before?</p> <p>22 A. I don't remember -- I don't think -- either</p> <p>23 from this time or other times, I just don't</p> <p>24 remember exact any letters. Something may</p>	<p style="text-align: right;">Page 68</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 do remember in 1995 I was participant of</p> <p>3 various conversations regarding of getting to</p> <p>4 an agreement, manufacturing agreement with</p> <p>5 Ethypharm.</p> <p>6 Q. Did you participate in those discussions with</p> <p>7 Mr. Murphy?</p> <p>8 A. On some occasions, yes.</p> <p>9 Q. Did you participate in discussions with</p> <p>10 people from Ethypharm?</p> <p>11 A. Yes, during this period of time that I</p> <p>12 mentioned prior, yes, you know, this period</p> <p>13 of time that we haven't been able to really</p> <p>14 detail the specific dates.</p> <p>15 Q. Who would you have had conversations with at</p> <p>16 Ethypharm?</p> <p>17 A. With Mr. De Basilio, Adolfo De Basilio.</p> <p>18 Q. Only Mr. De Basilio?</p> <p>19 A. Yes, only.</p> <p>20 Q. Did you have conversations with Mr. Debregeas</p> <p>21 during this time at Ethypharm France?</p> <p>22 A. No.</p> <p>23 Q. In contracts that you were involved in, would</p> <p>24 they be written in English or Spanish?</p>
<p style="text-align: right;">Page 67</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 sound familiar, the content of some letters</p> <p>3 may sound familiar, but to remember the</p> <p>4 letter, it will be very difficult for me to</p> <p>5 remember, this one and others. I don't know</p> <p>6 if this is a personal problem of mine or just</p> <p>7 a general problem.</p> <p>8 Q. Well, let me ask you: Were you the general</p> <p>9 director of Laboriatorious Belmac in March</p> <p>10 21, 1995?</p> <p>11 A. As I mentioned before, I don't know exactly</p> <p>12 when I took over those responsibilities. Our</p> <p>13 company was a very small company, and it</p> <p>14 wasn't well organized, and that's the reason.</p> <p>15 Q. The first sentence of the manufacturing</p> <p>16 agreement says, Mr. James R. Murphy on behalf</p> <p>17 and in representative of Laboriatorious</p> <p>18 Belmac. Do you see that?</p> <p>19 A. Yes, I can see it perfectly.</p> <p>20 Q. Did you participate in the negotiation of a</p> <p>21 manufacturing agreement with Ethypharm around</p> <p>22 March of 1995?</p> <p>23 A. I don't know if exactly during this period of</p> <p>24 time or close to this period of time, but I</p>	<p style="text-align: right;">Page 69</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 THE INTERPRETER: He doesn't</p> <p>3 understand the word I used "to involve," so</p> <p>4 I'm going to say participant. Is that okay?</p> <p>5 A. They were in Spanish.</p> <p>6 Q. Is this contract in English for Mr. Murphy's</p> <p>7 benefit?</p> <p>8 MR. MINGOLLA: Objection.</p> <p>9 A. I don't know.</p> <p>10 Q. Is there anyone in Laboriatorious Belmac in</p> <p>11 Spain that would want to write a contract in</p> <p>12 English?</p> <p>13 MR. MINGOLLA: Objection. Calls for</p> <p>14 speculation.</p> <p>15 A. You know, it could be during this period of</p> <p>16 time of March 1995, it could be Mr. Estevez.</p> <p>17 Q. Do you recognize the handwriting on page 2 of</p> <p>18 the document?</p> <p>19 A. This one right here?</p> <p>20 Q. Yes.</p> <p>21 A. No. But I have a lot of difficulty</p> <p>22 remembering and recognizing handwritings,</p> <p>23 faces.</p> <p>24 Q. Who drafted contracts for Laboriatorious</p>

18 (Pages 66 to 69)

<p style="text-align: right;">Page 70</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Belmac during this time period?</p> <p>3 A. Mr. Estevez and Mr. Javier Santos whom is an</p> <p>4 attorney on behalf of Belmac; Mr. De Basilio</p> <p>5 on behalf of Ethypharm.</p> <p>6 Q. Do you have any memory of negotiating any</p> <p>7 manufacturing agreement yourself with people</p> <p>8 from Ethypharm around March of 1995?</p> <p>9 A. Yes. We're talking about the year 1995,</p> <p>10 correct?</p> <p>11 Q. March of 1995.</p> <p>12 A. The month of March that is what I don't know</p> <p>13 exactly but the year 1995, yes.</p> <p>14 Q. Would you agree that Mr. Murphy was in charge</p> <p>15 of negotiating manufacturing agreements with</p> <p>16 Ethypharm in March of '95?</p> <p>17 MR. MINGOLLA: Objection.</p> <p>18 A. He will intervene. Mr. Murphy</p> <p>19 will intervene.</p> <p>20 Q. Can you get a clarification what that means?</p> <p>21 What do you mean Mr. Murphy will intervene?</p> <p>22 MR. MINGOLLA: Objection.</p> <p>23 Foundation.</p> <p>24 A. Before prior to I taking care of the</p>	<p style="text-align: right;">Page 72</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 the relationship with Ethypharm and Belmac</p> <p>3 ever signed?</p> <p>4 MR. MINGOLLA: Objection. Which</p> <p>5 Ethypharm entity?</p> <p>6 A. Can you clarify a little bit more? What do</p> <p>7 you mean by all?</p> <p>8 Q. Let me ask it this way: There was a</p> <p>9 relationship between Ethypharm in France,</p> <p>10 Ethypharm in Spain, Bentley in the U.S.,</p> <p>11 Belmac in Spain; is that correct?</p> <p>12 MR. MINGOLLA: Objection as to form.</p> <p>13 A. No, I was only involved in trying to organize</p> <p>14 or normalize relationships between Ethypharm</p> <p>15 Spain and Belmac France.</p> <p>16 Q. Did those discussions include Mr. Murphy?</p> <p>17 A. On some occasions Mr. Murphy will intervene.</p> <p>18 Q. Did they also include Mr. Adolfo De Basilio?</p> <p>19 A. Of course.</p> <p>20 Q. And he was at Ethypharm Spain?</p> <p>21 A. Yes.</p> <p>22 Q. Did those discussions also include people</p> <p>23 like Mr. Debregeas, Mr. Leduc and others in</p> <p>24 Ethypharm France?</p>
<p style="text-align: right;">Page 71</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 directive of Belmac, Mr. Murphy took care of</p> <p>3 all the directive decisions of Belmac.</p> <p>4 Q. Let me show you another exhibit.</p> <p>5 (Exhibit No. 5, Document, so marked)</p> <p>6 Q. What is that document?</p> <p>7 MR. MINGOLLA: Objection.</p> <p>8 Foundation.</p> <p>9 A. Well, what I see here is a document from</p> <p>10 legal counsel from Javier Santos which is the</p> <p>11 attorney of Belmac in Spain or was attorney</p> <p>12 of Belmac in Spain in which offices of -- we</p> <p>13 had numerous meetings, Mr. Estevez,</p> <p>14 Mr. Santos, Mr. De Basilio and myself.</p> <p>15 Q. During what time period?</p> <p>16 A. Along the year 1995. And we wrote -- you</p> <p>17 know, myself at my office, I had a big</p> <p>18 quantity of drafts, of contract drafts.</p> <p>19 Q. What were those drafts designed to do?</p> <p>20 MR. MINGOLLA: Objection as to form.</p> <p>21 Designed to do.</p> <p>22 A. It was deciding, try to organize relationship</p> <p>23 between Belmac Spain and Ethypharm Spain.</p> <p>24 Q. Was a contract that covered all aspects of</p>	<p style="text-align: right;">Page 73</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 MR. MINGOLLA: Objection.</p> <p>3 A. I'm not aware of it. I do know that Mr. De</p> <p>4 Basilio did receive instruction from France.</p> <p>5 Q. Did you ever speak personally with</p> <p>6 Mr. Debregeas or Mr. Leduc?</p> <p>7 MR. MINGOLLA: Ever?</p> <p>8 A. Yes, with Mr. Debregeas. I believe his name</p> <p>9 was Debregeas, but I'm not 100 percent sure</p> <p>10 of the person.</p> <p>11 Q. Was it Mr. Murphy's role to speak directly</p> <p>12 with Mr. Debregeas and others at Ethypharm</p> <p>13 France?</p> <p>14 MR. MINGOLLA: Objection as to form.</p> <p>15 Role.</p> <p>16 A. Not in specific. Usually it was us from</p> <p>17 Spain.</p> <p>18 Q. How many times did you speak with</p> <p>19 Mr. Debregeas?</p> <p>20 A. If it was the person I remember was</p> <p>21 Mr. Debregeas, I do remember one time in</p> <p>22 Spain; and it was at a dinner, but I don't</p> <p>23 remember the date, anything specific.</p> <p>24 Q. Were you with Mr. Murphy?</p>

19 (Pages 70 to 73)

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<p style="text-align: right;">Page 74</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. No. It was Mr. De Basilio, Mr. Debregeas, if</p> <p>3 it was, and myself.</p> <p>4 Q. What can you tell me about that dinner?</p> <p>5 A. It was quite interesting. If I remember</p> <p>6 correctly, if this person was Mr. Debregeas,</p> <p>7 he came to make a presentation of a more</p> <p>8 positive established company.</p> <p>9 Q. What did this person who you think was</p> <p>10 Mr. Debregeas, what did he look like?</p> <p>11 A. As I said before, I'm not good with faces. I</p> <p>12 won't be able to tell you. Something such as</p> <p>13 yourself. A little bit older than you but I</p> <p>14 don't remember.</p> <p>15 Q. Do you know when this meeting took place or</p> <p>16 this dinner?</p> <p>17 A. Not the date.</p> <p>18 Q. The year?</p> <p>19 A. Not the year either.</p> <p>20 THE INTERPRETER: Prior to the date</p> <p>21 he said I do remember well.</p> <p>22 A. What I do remember that it was the very</p> <p>23 beginning of a relationship. If it wasn't</p> <p>24 improved relationship, it was more positive</p>	<p style="text-align: right;">Page 76</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 from Ethypharm France while you were a</p> <p>3 general manager of Laboratorious Belmac or</p> <p>4 while you were employed by Laboratorious</p> <p>5 Belmac?</p> <p>6 A. Yes. At one time I remember a person came to</p> <p>7 Spain and the name was Igonet who was the</p> <p>8 financial director.</p> <p>9 Q. Are those only three meetings you recall</p> <p>10 being personally involved in with Ethypharm</p> <p>11 France?</p> <p>12 A. Yes, you know, there could have been one more</p> <p>13 in France, but it wasn't related to this</p> <p>14 issue, maybe one more.</p> <p>15 Q. Do you know whether Mr. Murphy had more</p> <p>16 contact with people in Ethypharm France than</p> <p>17 you did?</p> <p>18 A. The contact that I had, yes, but not the same</p> <p>19 as the relationship that Mr. Berenguer and</p> <p>20 Adolfo De Basilio had.</p> <p>21 Q. Tell me about the relationship that</p> <p>22 Mr. Berenguer had with Ethypharm. What is</p> <p>23 your understanding of that relationship?</p> <p>24 MR. MINGOLLA: Objection.</p>
<p style="text-align: right;">Page 75</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 relationship, not exactly a better</p> <p>3 relationship but a more workable</p> <p>4 relationship.</p> <p>5 Q. Productive?</p> <p>6 A. Productive relationship. Financially there</p> <p>7 were more positives from the financial point</p> <p>8 of view.</p> <p>9 Q. Is it correct that you can only remember one</p> <p>10 meeting with Mr. Debregeas?</p> <p>11 A. No. I do remember one more in France.</p> <p>12 Q. Tell me about that. Is it possible?</p> <p>13 A. At this meeting, if I remember correctly, it</p> <p>14 was Mr. Adolfo De Basilio, Mr. Berenguer and</p> <p>15 myself. I don't remember if Mr. Murphy was</p> <p>16 there. He would have been there.</p> <p>17 Q. Do you remember the year?</p> <p>18 A. No, I don't.</p> <p>19 Q. Do you remember the topic?</p> <p>20 A. Not really, just the same as always.</p> <p>21 Q. Is it fair to say you only remember two</p> <p>22 meetings with Mr. Debregeas?</p> <p>23 A. Yes, me personally, yes.</p> <p>24 Q. Do you remember meeting with anybody else</p>	<p style="text-align: right;">Page 77</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. Mr. Berenguer was fluent in French, so he did</p> <p>3 go way more frequent to France with</p> <p>4 Mr. De Basilio. I believe it was with</p> <p>5 Mr. De Basilio to France. I believe it was</p> <p>6 year 1996 when I incorporate Mr. Berenguer</p> <p>7 into the company. At that time I delegated</p> <p>8 this type of relationship to Mr. Fernando</p> <p>9 Berenguer.</p> <p>10 Q. Did Mr. Berenguer go to France with</p> <p>11 Mr. Murphy ever?</p> <p>12 A. I believe so. I'm not for sure but most</p> <p>13 likely, yes. If it's possible, as soon as</p> <p>14 possible I would need a break just prostate</p> <p>15 issues.</p> <p>16 MR. BOSTWICK: Let's take a break,</p> <p>17 certainly.</p> <p>18 THE VIDEOGRAPHER: The time is 12:58</p> <p>19 p.m. We're going off the record.</p> <p>20 (Recess)</p> <p>21 THE VIDEOGRAPHER: The time is 2:06</p> <p>22 p.m., and we're back on the record.</p> <p>23 Q. Good afternoon, Dr. Azpeitia. Dr. Azpeitia,</p> <p>24 I believe that you said this morning that you</p>

20 (Pages 74 to 77)

<p style="text-align: right;">Page 78</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 became general director of Laboratorious</p> <p>3 Belmac sometime in 1995, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And I think you also said that something</p> <p>6 formally was filed in or around June or</p> <p>7 September of 1995; is that correct?</p> <p>8 A. Like the official assignment to the position,</p> <p>9 like a contract position.</p> <p>10 Q. And that was signed in June or September of</p> <p>11 1995?</p> <p>12 A. I don't remember exactly if it was June or</p> <p>13 September but one of the two.</p> <p>14 Q. And how long a document was that?</p> <p>15 A. The document as of general director?</p> <p>16 Q. Yes.</p> <p>17 A. It wasn't longer than one page.</p> <p>18 Q. And who signed that document?</p> <p>19 A. Mr. Murphy.</p> <p>20 Q. Do you have a copy of that document?</p> <p>21 A. I don't believe so.</p> <p>22 MR. BOSTWICK: If that's been</p> <p>23 produced and we simply haven't observed it,</p> <p>24 just give us a Bates stamp.</p>	<p style="text-align: right;">Page 80</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 was one document that you had that was one</p> <p>3 page long like an employment contract; is</p> <p>4 that correct?</p> <p>5 A. Yes, a contract of employment contract. And</p> <p>6 I don't remember what the subject matter that</p> <p>7 it contained, but I think it was about duties</p> <p>8 and responsibilities of the job.</p> <p>9 Q. Then there was a separate document that is</p> <p>10 different that was two or three or four pages</p> <p>11 that was filed with the Spanish authorities?</p> <p>12 A. No. Only one document of various pages that</p> <p>13 we presented to the ministry of labor, and I</p> <p>14 had a copy, and the corporation had another</p> <p>15 copy and that's it.</p> <p>16 MR. BOSTWICK: Again, we've reviewed</p> <p>17 our files for those. I don't think we have</p> <p>18 them. Perhaps they don't exist, but I'd</p> <p>19 request that they'd be located if they exist.</p> <p>20 MR. MINGOLLA: We will look into it.</p> <p>21 Q. At the time you were general director, was</p> <p>22 Mr. Murphy the person who held ultimate power</p> <p>23 at Laboratorious Belmac to hire and fire?</p> <p>24 A. Before I became general director?</p>
<p style="text-align: right;">Page 79</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 MR. MINGOLLA: We'll take a look to</p> <p>3 see if we can locate it.</p> <p>4 Q. Do you remember what that document said?</p> <p>5 A. No.</p> <p>6 Q. Was there any other document that was</p> <p>7 formally filed with the corporate Spanish</p> <p>8 authorities to memorialize your becoming the</p> <p>9 general director of Laboratorious Belmac?</p> <p>10 MR. MINGOLLA: Objection.</p> <p>11 Ambiguous. Objection to the form. Corporate</p> <p>12 Spanish authorities.</p> <p>13 A. The document is presented to the labor</p> <p>14 ministry, ministry of labor. That's who the</p> <p>15 document is presented to.</p> <p>16 Q. And when you say the document is presented,</p> <p>17 does that mean the one-page contract you were</p> <p>18 referring to was presented to this Spanish</p> <p>19 authority?</p> <p>20 A. More than one page -- the document was not</p> <p>21 one page. It was more than one page. Two,</p> <p>22 three, four pages long I believe it</p> <p>23 contained.</p> <p>24 Q. I just want to make sure I understand. There</p>	<p style="text-align: right;">Page 81</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. While you were general director.</p> <p>3 A. No. It was I. I was the person that will</p> <p>4 hire or fire any personnel.</p> <p>5 Q. Would Jim Murphy have fired you from your job</p> <p>6 as general director from 1995 to 1999?</p> <p>7 MR. MINGOLLA: Objection.</p> <p>8 A. Yes.</p> <p>9 Q. Let me show you another document.</p> <p>10 (Exhibit No. 6, Telefax, so marked)</p> <p>11 Q. While we're waiting for that document, could</p> <p>12 Mr. Murphy have fired you from your position,</p> <p>13 the position you held from 1999 to 2002?</p> <p>14 MR. MINGOLLA: Objection. Calls for</p> <p>15 speculation.</p> <p>16 A. It could have been because during a period</p> <p>17 for approximately a year I did request to</p> <p>18 Mr. Murphy if I could be directly connected</p> <p>19 dependent on him instead of the new director.</p> <p>20 I requested to stay in a position, a</p> <p>21 staffing position that will be right under</p> <p>22 the president of Belmac. In the year 2001</p> <p>23 the position that I was holding end up under</p> <p>24 Mr. Berenguer.</p>

21 (Pages 78 to 81)

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<p style="text-align: right;">Page 82</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. To be clear, from 1995 to 2002 Mr. Murphy had</p> <p>3 the power to fire you or to change your jobs</p> <p>4 at Laboratorious Belmac; is that true?</p> <p>5 MR. MINGOLLA: Objection.</p> <p>6 A. Now, what I had stated was that Mr. Murphy</p> <p>7 who was the general director between 1995 and</p> <p>8 1999, during that period of time he could</p> <p>9 have fired me, and then more year after year</p> <p>10 2000, the person that became with those</p> <p>11 responsibilities of authority was Mr. Ayala.</p> <p>12 Q. Was it my understanding -- strike that.</p> <p>13 Am I correct that Mr. Murphy was the</p> <p>14 general director of Laboratorious Belmac</p> <p>15 from '95 to '99?</p> <p>16 MR. MINGOLLA: Objection.</p> <p>17 A. President, not general director.</p> <p>18 Q. I'm trying to get a clear answer because I'm</p> <p>19 still not clear if I understand. From 1995</p> <p>20 to 1999, is it true that Mr. Murphy could</p> <p>21 have moved you to another job or fired you?</p> <p>22 MR. MINGOLLA: Objection. Calls for</p> <p>23 speculation.</p> <p>24 A. Yes. Yes. That's what I have said before.</p>	<p style="text-align: right;">Page 84</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. And do I understand correctly that this is a</p> <p>3 letter from Ethypharm requesting that</p> <p>4 Laboratorious Belmac verify certain aspects</p> <p>5 of their relationship to clients?</p> <p>6 MR. MINGOLLA: Objection as to form.</p> <p>7 Mischaracterizes the document.</p> <p>8 A. No. If you read this clearly, this was</p> <p>9 presented by Mr. Eloy Gonzalez whom I knew</p> <p>10 him. He was proposing a text that I was not</p> <p>11 in agreement with.</p> <p>12 Q. What don't you agree with in this text?</p> <p>13 MR. MINGOLLA: Objection. Are we</p> <p>14 referring to when he was the recipient of</p> <p>15 this, when he received it back then?</p> <p>16 MR. BOSTWICK: Yes.</p> <p>17 A. Can I underline?</p> <p>18 Q. Certainly. I think I understand what you're</p> <p>19 doing there. You read the first paragraph,</p> <p>20 and you said that's fine.</p> <p>21 MR. MINGOLLA: Objection.</p> <p>22 A. It's just nothing specified in the first</p> <p>23 paragraph.</p> <p>24 Q. The second paragraph, the first sentence is</p>
<p style="text-align: right;">Page 83</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. He had that power?</p> <p>3 A. Yes. Absolutely. From a president to a</p> <p>4 general director, you know, he will always</p> <p>5 have the power. That's the normal.</p> <p>6 Q. Did Mr. Murphy have the same power from 1999</p> <p>7 to 2002?</p> <p>8 A. Yes, he continue to be Belmac president.</p> <p>9 Q. We have shown you -- I've just handed you</p> <p>10 another document, Exhibit 6, and that is in</p> <p>11 Spanish.</p> <p>12 A. Is it okay that I look at it?</p> <p>13 Q. Yes, please. Dr. Azpeitia --</p> <p>14 A. Excuse me. I haven't finished. Excuse me</p> <p>15 for a minute. I don't remember this</p> <p>16 document, but the content remind me of so</p> <p>17 many proposed ideas that were not realistic</p> <p>18 to take in place.</p> <p>19 Q. This document is dated October 4, 1995; is</p> <p>20 that correct?</p> <p>21 A. Yes, that's what is stated here.</p> <p>22 Q. And the Dr. Gonzalez that it's to, is that to</p> <p>23 you, Dr. Gonzalez Azpeitia?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 85</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 accurate?</p> <p>3 A. Yes. Repeat the question, please?</p> <p>4 Q. Is that accurate?</p> <p>5 THE INTERPRETER: He wanted me to</p> <p>6 repeat it to you in English, and I told him</p> <p>7 you have the English version.</p> <p>8 A. That was correct. On the second sentence</p> <p>9 where it says, you know, part of this</p> <p>10 installation have been given to Ethypharm and</p> <p>11 that's incorrect. Belmac never gave</p> <p>12 Ethypharm any installations in Zaragoza.</p> <p>13 Q. Is there anything else that you disagree with</p> <p>14 in that paragraph?</p> <p>15 A. I'm going to continue.</p> <p>16 Q. Let's begin with this just so we know what</p> <p>17 you're saying. Let me just make every part</p> <p>18 of this clear because we're not getting</p> <p>19 anything in English. The personnel belongs</p> <p>20 to Belmac; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. But the machinery and know-how employed and</p> <p>23 manufacturing are the property of Ethypharm?</p> <p>24 A. Part of the know-how is.</p>

22 (Pages 82 to 85)

<p style="text-align: right;">Page 86</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. So the machinery is Ethypharm's; is that</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. And you say the know-how part is Ethypharm's;</p> <p>6 is that correct?</p> <p>7 A. Yes, part of it. The know-how was part</p> <p>8 Ethypharm and part Belmac.</p> <p>9 Q. It says supervises the manufacturing. Who</p> <p>10 supervised the manufacturing?</p> <p>11 MR. MINGOLLA: Objection as to form.</p> <p>12 A. Belmac personnel, staff, the technical</p> <p>13 director of Belmac.</p> <p>14 Q. Who was that?</p> <p>15 A. Juan Carlos Asensio.</p> <p>16 Q. Were the standards Ethypharm standards or</p> <p>17 Belmac standards?</p> <p>18 MR. MINGOLLA: Objection as to form.</p> <p>19 Ambiguous.</p> <p>20 Q. I mean the standards for manufacturing of</p> <p>21 microgranules?</p> <p>22 A. The know-how of Ethypharm was not working</p> <p>23 out. It was not functioning, and then Belmac</p> <p>24 was the one that make it workable so that it</p>	<p style="text-align: right;">Page 88</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 way it's expressed here the understanding is</p> <p>3 that Ethypharm is the one that are</p> <p>4 manufacturing.</p> <p>5 Q. So his point is that if to the extent this</p> <p>6 says that Ethypharm is manufacturing, that's</p> <p>7 not true. It was Belmac who was</p> <p>8 manufacturing?</p> <p>9 A. Correct.</p> <p>10 Q. Is there anything else on this exhibit? Is</p> <p>11 that part correct?</p> <p>12 THE INTERPRETER: He went backwards</p> <p>13 now.</p> <p>14 A. When he says here the principal product</p> <p>15 commercial name is Belmazol 14 capsules of 20</p> <p>16 milligrams, that's confusing because Belmazol</p> <p>17 is exclusively of Belmac. It's a brand.</p> <p>18 It's an exclusive brand of Belmac.</p> <p>19 Q. Was Belmazol made with Ethypharm's machine</p> <p>20 technology and know-how?</p> <p>21 MR. MINGOLLA: Objection as to form.</p> <p>22 Ambiguous as to know-how and compound.</p> <p>23 A. The machinery were Ethypharm and part of the</p> <p>24 know-how was Ethypharm and then part of the</p>
<p style="text-align: right;">Page 87</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 will come through.</p> <p>3 Q. Who at Belmac did that?</p> <p>4 A. The administrative team of Belmac. In</p> <p>5 specific Mr. Cabodevilla and Mr. Gasca.</p> <p>6 Q. I'm through with that document.</p> <p>7 A. There's other stuff, very important things.</p> <p>8 Q. Please tell me.</p> <p>9 A. What it says here that we're manufacturing of</p> <p>10 this product, what it's saying is we, they're</p> <p>11 talking about Ethypharm, and that's</p> <p>12 incorrect. It's not Ethypharm. Belmac</p> <p>13 manufactured the product.</p> <p>14 MR. BOSTWICK: May I ask for one of</p> <p>15 you perhaps in Spanish to direct him if he</p> <p>16 has a long answer to break it up so that we</p> <p>17 can get the whole answer because it's very</p> <p>18 difficult to know whether we have the right</p> <p>19 answer.</p> <p>20 Q. What paragraph are you referring to? What</p> <p>21 part?</p> <p>22 A. Basically the way it's expressed, it says we</p> <p>23 manufacture. It's not that it's we. It's</p> <p>24 was that it was manufactured because by the</p>	<p style="text-align: right;">Page 89</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 know-how of Belmac personnel and the ministry</p> <p>3 of sanity of Belmac and installation of</p> <p>4 Belmac.</p> <p>5 Q. Spanish ministry of health?</p> <p>6 THE INTERPRETER: It's the license</p> <p>7 of the Spanish ministry of health that</p> <p>8 belongs to Belmac.</p> <p>9 Q. I think we need -- if you could just read</p> <p>10 back the question and the full answer just</p> <p>11 one more time.</p> <p>12 (Question and answer read)</p> <p>13 Q. Is there anything else that you want to refer</p> <p>14 to on Exhibit 6, Dr. Azpeitia?</p> <p>15 A. When he says this part has been registered at</p> <p>16 the Spanish ministry of health utilizes</p> <p>17 documentation property of Ethypharm,</p> <p>18 Dr. Azpeitia, is unaware of this. Mr. Perez</p> <p>19 Ayala may know of this because it was during</p> <p>20 his time, but I'm doubting this.</p> <p>21 Q. Dr. Azpeitia, is it true that you signed many</p> <p>22 agreements and documents that acknowledge</p> <p>23 that the know-how relating to Omeprazole was</p> <p>24 Ethypharm?</p>

23 (Pages 86 to 89)